



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
SAND LAND CORP  
PO BOX 1259  
WAINSCOTT, NY 11975-1259  
(516) 537-4583

**Facility:**  
WAINSCOTT SAND AND GRAVEL  
MIDDLE LINE HWY - NE END  
BRIDGEHAMPTON, NY 11932

**Facility Location:** in SOUTHAMPTON in SUFFOLK COUNTY **Village:** Bridgehampton  
**Facility Principal Reference Point:** NYTM-E: 723.795 NYTM-N: 4539.123  
Latitude: 40°58'21.4" Longitude: 72°20'24.8"

**Project Location:** Middle Line Highway NE End - Facility/Program # Mined Land I.D. 10033

**Authorized Activity:** Continue to mine sand and gravel from 34.5 acres of a 34.5-acre Life of Mine (LOM) on a 50-acre property. Within the 34.5-acre LOM, the final mine floor elevation will be changed from the current elevation of 160 feet amsl to elevation 120 feet amsl (40-foot deepening). The site will be reclaimed to open meadow for equestrian or agricultural use.

**Permit Authorizations**

**Mined Land Reclamation - Under Article 23, Title 27**

Permit ID 1-4736-00851/00001

(Mined Land ID 10033)

Renewal	Effective Date: <u>3/15/2019</u>	Expiration Date: <u>3/14/2024</u>
Modification # 1	Effective Date: <u>6/5/2019</u>	Expiration Date: <u>3/14/2024</u>

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: DANIEL T WHITEHEAD, Division Director  
Address: NYSDEC Headquarters  
625 Broadway  
Albany, NY 12233

Authorized Signature: \_\_\_\_\_ /S/ \_\_\_\_\_ Date 6 / 5 / 2019

**Permit Components**



MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**MINED LAND RECLAMATION PERMIT CONDITIONS**

**1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such plans were approved by the Regional Mined Land Reclamation Program Supervisor on June 4, 2019 and consist of the following items:

- A. Mining permit application form dated and signed on 3/12/2019 by owner John Tintle, President.
- B. Organizational report dated, signed and notarized on 10/12/2018 by John Tintle, President.
- C. Mined Land Use Plan for A NYSDEC Mine Permit Modification Sand Land Corporation Wainscott Sand and Gravel dated March 1, 2019 prepared and submitted by Alpha Geological Services, DPC, including:
  - a. Mine Plan Map (Plate 1) prepared by Alpha Geoscience,
  - b. Reclamation Plan Map (Plate 2) prepared by Alpha Geoscience,
  - c. Section A-A' prepared by Alpha Geoscience,
  - d. Section B-B' prepared by Alpha Geoscience,
  - e. Section C-C' prepared by Alpha Geoscience, and
  - f. Section D-D' prepared by Alpha Geoscience.
- D. Full Environmental Assessment Form Part 1 for NYSDEC Mine Permit Modification Sand Land Corporation Wainscott Sand and Gravel dated March 5, 2019 and signed by John Tintle.

**2. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

**3. No Deviation From Approved Plan** The permittee shall not deviate or depart from the approved mined land use plan without approval by the Department of an alteration or modification thereto.

**4. Final Mine Floor Elevation** Under no circumstances shall the floor of the mine ever go below 120-foot AMSL.

**5. Mine Operation Periods** All mining, reclamation and associated activities (including but not limited to: excavating, grading, processing operations, stockpiling operations, haulage operations, and maintenance operations) shall be limited to the following times: Monday through Saturday 7:00 a.m. to 5:00 p.m. Operation of the mine is prohibited on Sundays and the following legal holidays: New Year's Day, Memorial Day, Independence Day (July 4th), Labor Day, Thanksgiving and Christmas. In the event of an emergency, the permittee may request additional hours of operation by obtaining written approval from DEC.



**6. No Importing or Processing Off-Site Materials** There shall be no importation, storage, disposal or processing of materials, of any kind, originating from outside the limits of the life of mine, without first applying for and obtaining a modification to this permit. With the exception of natural topsoil, trees or plants for reclamation purposes in the volumes/quantities necessary for reclamation of this mine site. Preferably a loamy sandy soil that will promote growth of grass and not weeds and non-natives. Man made topsoil will require testing in order to be brought onto the site and used for reclamation. Testing will be determined when the source of material is disclosed. In addition, as specified in the approved mined land use plan, ground organic material, only in the amount needed to mix with loam for reclamation purposes, may be brought on site. Importation of organic material for the manufacture of topsoil for sale or any other purpose besides on site reclamation is prohibited.

### **7. Ground Water Monitoring Program**

- a. The operator shall within one week of the effective date of this permit submit a groundwater monitoring plan to DEC for review and approval. This plan must include a minimum quarterly analytical sampling event interval and will continue as long as the site remains under the jurisdiction of the Mined Land Reclamation Law. If for any reason, an acceptable groundwater sampling plan is not in place within 30 days of issuance of this permit, DEC may suspend the permit until an acceptable plan is approved by DEC. Groundwater samples shall be analyzed for parameters specified in the DEC-accepted groundwater monitoring plan by a New York State Certified Laboratory.

The groundwater test results shall be sent digitally and, in a format, (or formats) required by DEC to the Regional Mined Land Reclamation Program Supervisor for review (address below) within 30 days of each sampling event.

Regional Mined Land Reclamation Program Supervisor  
NYSDEC Region 1 Headquarters  
50 Circle Road  
SUNY Stony Brook  
Stony Brook, NY 11790-3409

- b. The operator shall assist with any regional groundwater monitoring effort conducted by DEC or DEC's consultants. This may require granting DEC access to the facility for the purposes of installing, maintaining and sampling from groundwater monitoring wells within the boundary of the subject parcel.

**8. Environmental Monitoring Program** The permittee shall pay for an environmental monitor acceptable to DEC. The monitor will begin observations at the mine site within seven days of this permit going into effect. The environmental monitor shall be hired at a minimum of 20% FTE. No more than 10% of the environmental monitor's hours will be spent outside of the mine site. The cost of the monitor will not exceed \$25,000 per year. A checklist provided by DEC will be completed by the environmental monitor upon completion of each day in which observations were made by the monitor at the mine site. This checklist will be transmitted to DEC within 24 hours of each observation day. The environmental monitor will be expected to observe operations at the site when any environmental sampling is occurring, any monitoring well is being drilled, any reclamation materials are being brought into the mine site, or as otherwise directed by DEC.



The environmental monitor shall be treated as a consultant for DEC, and will be supervised by and take directions from DEC. The monitor will owe all duties of confidentiality and conflicts of interest to DEC.

**9. Cessation of Mining and Reclamation** In the event that this mined land reclamation permit is successfully renewed by the permittee or any successor in interest, at the latest, all mining activities at the mine shall cease within eight years from 06/05/2019 and the site shall be successfully reclaimed by 3/14/2029.

**10. Permitted Area of Mining** Mining is only permitted on 34.5 acres of the 50-acre site.

**11. File Termination Notice** If the permittee discontinues operation, a termination notice must be filed within 30 days of termination of mining activities to the address below:

Regional Mined Land Reclamation Program Supervisor  
NYSDEC Region 1 Headquarters  
50 Circle Road  
SUNY Stony Brook  
Stony Brook, NY 11790-3409

**12. Refuse Disposal** All refuse generated on site shall be disposed of properly.

**13. Ongoing Reclamation** The permittee shall provide that reclamation will be an ongoing continuous process to the extent practical that will not interfere with safe and efficient operation of the mine. Reclamation will commence immediately upon completion of mining. The site shall be satisfactorily revegetated no later than two years after the mining ceases.

**14. No Mining Below Final Grade** There shall be no mining below the grades shown on the approved map and/or cross sections in any area of the mine. There shall be no backfilling in any mine floor area in order to achieve the final grades.

**15. Fueling of Equipment and Reporting of Spills** Fueling of equipment shall be controlled to prevent spillage. Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the Department's Spill Hotline number (1-800-457-7362) within 2 hours. The permittee shall retain the Department's Spill Response number for immediate access in the permittee's office and at the mine site.

**16. Renewal Requirements** At the time of renewal, an updated mining plan with up to date topographic survey shall be submitted and proof of the Reclamation Bond or other financial surety will be required.

**17. Bond, Surety to Remain in Force** Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the department in writing.



**18. Strip and Stockpile Soils for Reclamation** Prior to the excavation of previously undisturbed areas, topsoil and overburden shall be stripped, stockpiled separately, and used for reclamation of mined areas. These stockpiles shall be seeded to establish a vegetative cover within 30 days, or as soon as practicable following their construction. The permittee shall locate all overburden stockpiles within the permitted area of the approved Life of Mine. Sufficient quantities of topsoil must be retained on the site for use in reclamation, unless prior approval is granted by the Department.

**19. No Unpermitted Discharge Outside Limits of Mine** There shall be no natural swales or channels or constructed features such as ditches, pipes, etc., that are capable of discharging waters to any offsite areas or to any areas outside the limits of the Life of Mine except those explicitly described and shown in the narrative and graphic portions of the approved Mined Land Use Plan. All silt laden water and storm water generated on, or running across, the site shall be retained within the approved project area. The permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES) permit requirements and provide necessary notifications for off-site point source discharges.

**20. Maintain Area Markers for Permit Term** The permittee shall provide permanent markers such as stakes, posts or other devices acceptable to the Department to identify and delineate the permit area, as outlined on the approved Mining Plan Map. These markers are to be installed prior to the start of mining and shall be maintained for the duration of the permit term.

**21. Dust Control** Water or other approved dust palliatives must be applied to haulageways and other parts of the mine, as often as necessary, to prevent visible dust from leaving the mine property.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires.



Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook|50 Circle Rd  
Stony Brook, NY11790 -3409

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Mined Land Reclamation.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.



**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.